

IN THE
COURT OF APPEALS FOR THE
FIRST JUDICIAL DISTRICT OF TEXAS
AT HOUSTON

FILED IN
1st COURT OF APPEALS
HOUSTON, TEXAS
8/1/2018 6:11:23 PM
CHRISTOPHER A. PRINE
Clerk

RICARDO ROMANO,
Appellant

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§
§

V.

CAUSE NO. 01-18-00538-CR

STATE OF TEXAS
Appellee

**APPELLANT'S FIRST MOTION
TO EXTEND TIME TO FILE THE BRIEF**

TO THE HONORABLE FIRST COURT OF APPEALS:

Ricardo Romano, appellant, moves to extend the time to file the brief, and would show as follows:

I.

This is an appeal from a misdemeanor conviction for indecent exposure. The record was filed on July 23, 2018. Appellant's brief is due on August 23, 2018.

II.

Counsel needs more time to review the record, identify and research the appellate issues, and write the brief. Additionally, counsel's recent and present obligations in other cases necessitate an extension of the deadline to file the brief:

- a. Counsel filed a motion to dismiss the indictment and a supporting brief in United States v. Martrell Harris, no. 1:17-cr-00071, in the

United States District Court for the Eastern District of Texas on June 27, 2018. The motion presents a novel, complex issue regarding whether and under what circumstances federal law must recognize a state's restoration of a felon's right to possess firearms. The court heard argument on the motion on July 26, 2018.

- b. Counsel filed a post-conviction application for a writ of habeas corpus in Ex parte Mark Douglas Staley, no. 2003CR7441-W1, a murder case in the 399th District Court of Bexar County on June 29, 2018, and a supporting brief on July 19, 2018.
- c. Counsel filed a brief in Darian Blount v. State, no. 14-17-00988-CR, an appeal from a conviction for aggravated robbery, on July 25, 2018.
- d. Counsel must file a petition for discretionary review in the Court of Criminal Appeals in Marc Dunham v. State, an appeal from a conviction for deceptive business practice in no. 14-17-00098-CR, by August 9, 2018.
- e. Counsel must file a supporting brief in the habeas corpus proceeding in Ex parte David Russell, nos. 199-81323-2012, 199-81325-2012, 199-81326-2012, & 199-80629-2013, involving various sex offenses in the 199th District Court of Collin County, by August 13, 2018.
- f. Counsel must prepare for and conduct a post-conviction habeas

corpus evidentiary hearing in Ex parte Kevin Connors, no. 937946-B, a murder case in the 339th District Court of Harris County, on September 13, 2018.

Finally, counsel will be on a family vacation out-of-state from August 9-17, 2018.

III.

This Court may extend time to file a brief. TEX. R. APP. P. 10.5(b) & 38.6(d). This is appellant's first request for an extension of time to file the brief. This request is made in the interest of justice and not to delay the proceedings. He requests that the Court grant a 60-day extension of time to file the brief.

CONCLUSION

Appellant requests that the Court grant a 60-day extension of time to file the brief.

Respectfully submitted,

/s/ Josh Schaffer

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RICARDO ROMANO

CERTIFICATE OF SERVICE

I served a copy of this motion on Daniel McCrory, assistant district attorney for Harris County, by electronic service on August 1, 2018.

/s/ Josh Schaffer

Josh Schaffer